



MICHELLE LUJAN GRISHAM
Governor

PATRICK M. ALLEN
Cabinet Secretary

EXHIBIT 1

PUBLIC HEALTH ORDER NEW MEXICO DEPARTMENT OF HEALTH SECRETARY PATRICK M. ALLEN

October 6, 2023

Amended Public Health Emergency Order Imposing Temporary Firearm Restrictions, Drug Monitoring and Other Public Safety Measures

WHEREAS, for the reasons stated in Governor Michelle Lujan Grisham's Executive Orders 2023-130 and 2023-132, and subsequent renewals of those orders, gun violence and substance misuse currently constitute statewide public health emergencies, as defined in the Public Health Emergency Response Act;

WHEREAS, pursuant to those Executive Orders, I have begun collaborating with the New Mexico Department of Homeland Security and Emergency Management, the New Mexico Department of Public Safety, and the Governor's Office to provide an effective and coordinated response to these public health emergencies;

WHEREAS, both the Bernalillo County Sheriff and Chief of the Albuquerque Police Department have identified the Bernalillo County Metropolitan Detention's lack of staffing, space, and prompt screening of arrested individuals as a significant contributor to these public health emergencies by keeping police officers off the streets while they wait for arrestees to be processed;

WHEREAS, according to the New Mexico Department of Health, child firearm emergency department visits in New Mexico increased by 100% for youth ages 0-13 between 2018 and 2022;

WHEREAS, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -19, the Department of Health Act, NMSA 1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state government to preserve and promote public health and safety, to maintain and enforce rules for the control of a condition of public health importance; and

WHEREAS, temporary firearm restrictions, illicit substance monitoring, and other public safety measures are necessary to address the current public health emergencies.

NOW, THEREFORE, I, Patrick M. Allen, Secretary of the New Mexico Department of Health, in accordance with authority vested in me by the Constitution and the Laws of the State of New Mexico, and as directed by the Governor pursuant to the full scope of emergency powers

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under the All Hazard Emergency Management Act, do hereby **DECLARE** that gun violence and substance misuse constitute conditions of public health importance, as defined in NMSA 1978, Section 24-1-2(A), and hereby **ORDER** and **DIRECT** as follows:

(1) No person, other than a law enforcement officer or licensed security officer, or active duty military personnel shall possess a firearm, as defined in NMSA 1978, Section 30-7-4.1, either openly or concealed, in public parks or playgrounds within the City of Albuquerque or Bernalillo County, except in the City of Albuquerque's Shooting Range Park and areas designated as a state park within the state parks system and owned or managed by the New Mexico Energy, Minerals and Natural Resources Department State Parks Division, or the State Land Office.

(2) The New Mexico Regulation and Licensing Department shall conduct monthly inspections of licensed firearms dealers in the State to ensure compliance with all sales and storage laws.

(3) The New Mexico Department of Health and the New Mexico Environment Department shall develop a program to conduct wastewater testing for illicit substances, such as fentanyl, at all public schools. The New Mexico Environment Department shall have the authority to independently test the wastewaters of the state and perform any other acts authorized by the NMSA 1978, Section 24-1-3 of the Public Health Act necessary to address the public health emergency as outlined herein and within the Executive Order 2023-132. The New Mexico Environment Department shall be eligible to receive funds directly from the New Mexico Department of Finance and Administration pursuant to NMSA 1978, Sections 12-11-23 to -25, necessary to promptly address the public health emergency.

(4) The New Mexico Children, Youth and Families Department shall immediately suspend the Juvenile Detention Alternatives Initiative and evaluate juvenile probation protocols.

(5) The New Mexico Department of Public Safety shall dispatch additional officers and resources to Bernalillo County and work with the Albuquerque Police Department and Bernalillo County Sheriff to determine the best use of those resources.

(6) The New Mexico Department of Public Safety shall coordinate with local law enforcement agencies and the district attorneys' offices and assist in apprehension of individuals with outstanding arrest warrants.

(7) All participating New Mexico Managed Care Organizations shall immediately ensure that individuals who need drug or alcohol treatment have received a permanent, adequate treatment placement within 24 hours of the request.

(8) The New Mexico Human Services Department shall send relevant Managed Care Organizations letters of direction requiring them to provide their plans to achieve continual behavioral health network adequacy.

(9) The New Mexico Department of Corrections and the New Mexico Department of Homeland Security shall provide assistance to the Bernalillo County Metropolitan Detention Center and its contractors to ensure adequate staffing, space, and screening for arrested and

incarcerated individuals; provided that nothing in this provision shall be construed to limit the authority and responsibility of Bernalillo County Metropolitan Detention Center in managing its operations.

(10) The New Mexico Department of Public Safety shall organize safe surrender events in the cities of Albuquerque, Espanola, and Las Cruces within thirty days.

I FURTHER DIRECT as follows:

(1) This Order shall be broadly disseminated in English, Spanish, and other appropriate languages to the citizens of the State of New Mexico.

(2) Trigger locks shall be made available free of charge to all firearm owners; provided that each firearm owner shall only be entitled to one free trigger lock. Firearm owners wishing to obtain a free trigger lock should visit www.safestoragenm.org.

(3) The New Mexico Department of Health, the New Mexico Department of Public Safety, the New Mexico Department of Homeland Security and Emergency Management, and all other State departments and agencies are authorized to take all appropriate steps to ensure compliance with this Order.

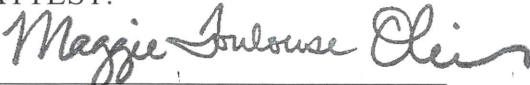
(4) Any person or entity who willfully violates this Order may be subject to civil administrative penalties available at law.

(5) This Order supersedes any previous Order to the extent it is in conflict and shall take effect on October 6, 2023, and remain in effect for the duration of the public health emergencies declared in Executive Orders 2023-130 and 2023-132 and any subsequent renewals of those public health emergency declarations, unless otherwise rescinded.

(6) Should any provision of this Order or its application to any person or circumstances be held invalid by a court of law, the remainder of this Order or the application of its provisions to other persons or circumstances shall remain in full force and effect.

(7) Nothing in this Order shall be construed to contradict or evade any court orders temporarily enjoining provisions in previous public health emergency orders that remain in this Order. Any court order regarding such provisions shall apply to the same provisions found herein.

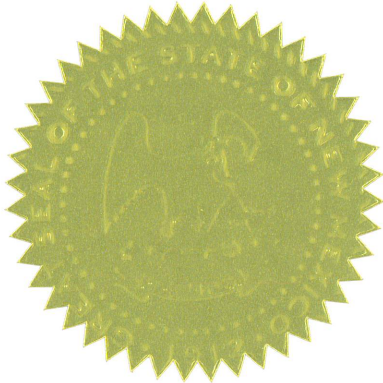
ATTEST:



MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 6TH DAY OF OCTOBER 2023

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO





PATRICK M. ALLEN
SECRETARY OF THE
NEW MEXICO DEPARTMENT OF HEALTH